

REMARKS

Claims 1-13 and 15-20 are pending in the application. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Claims 1, 15 and 20 have been objected to; the Examiner suggested essentially that the term "indicator" as used in the claims is confusing in view of the specification.

Respectfully, the term "indicator" used in the claims is consistent with the specification. As described in the specification, there are two indicators that may be output. For example, see page 7, lines 9-11 (indicator 1) and page 21, line 19 to page 22, line 5 (indicator 2).

Claims 1 and 20 have been amended to clarify the limitations, wherein the term "indicator" has been amended to "economic indicators," consistent with the specification. Claim 15 has been amended to clarify and distinguish between the two indicators, claiming, *inter alia*, "an economic indicator to accept an order for at least one of the multiple products according to the sales plan at a time when demand exceeds a planned sales volume for at least one of the multiple time periods; and a trigger engine determining that a demand scenario is realized for a given time period and providing an indication of when to re-determine the sales plan."

Reconsideration of the objection is respectfully requested. The Examiner is respectfully urged to contact the undersigned by telephone should the claims be deemed to require additional clarification.

Claims 1-3 have been rejected under 35 USC §103(a) as being unpatentable over Ahmed (A Multi-Stage Stochastic Integer Programming Approach for Capacity Expansion under Uncertainty) in view of Bichler (Applications of Flexible Pricing in Business-to-Business

Electronic Commerce) and further in view of Tezuka et al. (US 2003/0167146). The Examiner stated essentially that the combined teachings of Ahmed, Bichler and Tezuka teach or suggest all the limitations of Claims 1-3 (the rejection also considers Claims 15 and 20).

Claims 1, 15 and 20 are independent.

Claims 1 and 20 claim, *inter alia*, “generating a sales plan based on the likelihood and the realized order data at each of the multiple price classes and for each of the multiple products within a current time period upon determining that the demand for the at least one of the multiple time periods exceeds the allocation for the given product at the price class; and determining an economic indicator based on the generated sales plan to accept an order for a given product of the multiple products upon determining that the demand exceeds the allocation for the given product at a price class in at least one of the multiple time periods.” Claim 15 claims, *inter alia*, “a trigger engine determining that a demand scenario is realized for a given time period and providing an indication of when to re-determine the sales plan upon determining that the demand scenario for the given time period exceeds the planned sales volume.”

Ahmed teaches methods for strategic level decision making for the multi-resource capacity expansion problem (see page 1, Introduction, first sentence and page 2, Formulation, first paragraph). Ahmed’s purpose is to satisfy the demand of a product family (see page 2, last 2 lines, to page 3, line 1) - Ahmed does not include a discussion of a case wherein demand exceeds supply, essentially as claimed in Claims 1, 15 and 20. Therefore, Ahmed fails to teach all of the limitations of Claims 1, 15, and 20.

Bichler teaches how to set allocations and recommend prices for channels (see page 298, right col., lines 10-15). Bichler teaches mechanisms for flexible pricing on the buy and sell sides (see for example, page 290, Figure 1); Bichler is silent as to recommendations about whether to

accept an order based on uncertain future demand (“likelihood” in Claims 1 and 20) and re-determining a pricing based on a specific demand (when demand scenario for the given time period exceeds the planned sales volume, essentially as claimed in Claim 15). Therefore, Bichler fails to cure the deficiencies of Ahmed.

Tezuka teaches methods for decision support in the context of production orders (see Abstract). Tezuka is specifically used for the teaching making recommendations as to make or sell decisions (see paragraphs [0004] and [0034]). Tezuka teaches an opportunity loss calculation coefficient information indicating a loss produced by losing sales opportunity because demand exceeds the volume of production. Respectfully, Tezuka’s description of the opportunity loss calculation merely considers the possibility of demand exceeding the volume of production. Tezuka does not teach or suggest a step or action to be taken when demand actual exceeds the volume of production. That is, Tezuka does not teach or suggest a real world consequence of demand exceeding the volume of production, essentially as claimed. Therefore, Tezuka does not cure the deficiencies of Ahmed and Bichler.

The combined teachings of Ahmed, Bichler and Tezuka teach methods for strategic level decision making in manufacturing and purchasing. The combined teachings of Ahmed, Bichler and Tezuka fail to teach or suggest a tactical level decision recommendation for sales - whether to accept an order – under the claimed conditions of demand exceeding allocation essentially as claimed in Claims 1 and 20 or when a demand scenario exceeds the planned sales volume, essentially as claimed in Claim 15.

Claims 2-3 depend from Claim 1. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims. The Examiner’s reconsideration of the rejection is respectfully requested.

Claims 4-13 and 15-20 have been rejected under 35 USC 103(a) as being unpatentable over Ahmed in view of Bichler, in view of Santos (US 2002/0143665).

Claims 4-13 depend from Claim 1. Claims 16-19 depend from Claim 15. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims.

Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including Claims 1-13 and 15-20, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully submitted,

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